

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOAN MULLIN, ADMINISTRATRIX OF THE
ESTATE OF ROBERT MULLIN, deceased,
and JOAN MULLIN, individually,

Plaintiffs,

v.

ADMINISTRATOR KAREN BALICKI, et
al.,

Defendants.

CIVIL ACTION NO. 11-247 (MLC)

O R D E R

For the reasons stated in the Court's Memorandum Opinion dated November 1, 2013, **IT IS** on this 1st day of November, 2013, **ORDERED** that the motion to dismiss by Defendants Administrator Karen Balicki, Director Robert Patterson, Director Marie Dunlap-Pryce, Officer Dimler, and Beatrice Teel, R.N., (dkt. entry no. 145) is **GRANTED**; and it is further

ORDERED that the motion for judgment on the pleadings by Defendant Jane Byrd, L.P.N., (dkt. entry no. 144) is **GRANTED IN PART** and **DENIED IN PART** as follows:

GRANTED as to the claims against Jane Byrd, L.P.N., in her official capacity; and

GRANTED as to the state common-law claims against Jane Byrd, L.P.N.; and

DENIED as to the constitutional claims under 42 U.S.C. § 1983 and N.J.S.A. 10:6-1 et seq. against Jane Byrd, L.P.N., in her individual or personal capacity; and it is further

ORDERED that all claims against Defendants Administrator Karen Balicki, Director Robert Patterson, Director Marie Dunlap-Pryce, Officer Dimler, and Beatrice Teel, R.N., are **DISMISSED**; and it is further

ORDERED that the Clerk of the Court will designate the action insofar as it is brought against Defendants Administrator Karen Balicki, Director Robert Patterson, Director Marie Dunlap-Pryce, Officer Dimler, and Beatrice Teel, R.N., as **TERMINATED**; and it is further

ORDERED that the claims asserted against Defendant Jane Byrd, L.P.N., in her official capacity, and the state common-law claims asserted against her, are **DISMISSED**; and it is further

NOTED that Defendants Jane Byrd, L.P.N., and Kintock Group are the only viable defendants remaining in the action, and that the Clerk of the Court should designate the action insofar as it is brought against all other defendants as **TERMINATED**; and it is further

ORDERED that the motion filed on the docket under docket entry number 146 is **ADMINISTRATIVELY TERMINATED** as unnecessary.

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge